UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

In re: WESTERN INSURANCE COMPANY, Plaintiff, v. DICK L. ROTTMAN, JEFFREY P. SHAFFER, JANICE LYNN BOWMAN, BRADLEY A. PEARCE, R. SCOTT ROTTMAN, and JOHN DOES 1 THROUGH 10, individuals Defendants.	**ORDER REGARDING PLAINTIFF'S RENEWED MOTION TO COMPEL DISCOVERY** Civil No. 2:13-cv-00436-DAK Hon. Dale A. Kimball Magistrate Evelyn J. Furse

Plaintiff's Renewed Motion to Compel Discovery came on for hearing before Magistrate Judge Evelyn J. Furse on Wednesday, February 08, 2017 at 9:00 a.m. Western Insurance Company in Liquidation ("Western") was represented by Gerald H. Suniville and Scott M. Lilja, from Fabian VanCott, and Defendants and non-parties A & H Management, Inc., A & H Insurance, Inc., Western Bonding Company and Western Thrift and Loan (collectively the "Non-Parties") were represented by Michael R. Johnson and Robert G. Wing, from Ray Quinney & Nebeker.

The Court previously entered its Order on December 29, 2016 with regard to Plaintiff's Motion to Compel Discovery. This Order is intended as a clarification of the Court's prior Order to the extent any inconsistency may be perceived.

The Court, having reviewed the memoranda of the parties, heard the arguments of counsel, and having stated its ruling upon the record,

IT IS HEREBY ORDERED as follows:

1. Western's Renewed Motion to Compel is granted. In addition, the parties are directed to meet and confer with regard to documents to be produced pursuant to this Order as more specially discussed below.

2. The Court finds that the correspondence from Mr. Suniville to Defendants' counsel dated January 13, 2017 and attached as Exhibit F to the Renewed Motion to Compel is a sufficient statement identifying the documents Western seeks from the Non-Parties and that the documents therein identified should be produced by the Non-Parties to Western no later than February 22, 2017. The documents produced shall not be redacted based on a claim of lack of relevance and may be designated as confidential and subject to protective order.

3. The parties are directed to meet and confer by no later than Friday, February 10, 2017 to discuss: (a) what documents will be provided by the Non-Parties pursuant to the previously served subpoenas; (b) what documents are not being produced pursuant to those subpoenas: and (c) to discuss any burden the Non-Parties believe to exist by reason of responsive documents that they believe to have no relevance to the claims in this case and that are voluminous or otherwise involve some difficulty in production. An example of such documents would be documents concerning Western reimbursing A&H Insurance for expenses for employee benefits raised in Defendants Response to Plaintiff's Renewed Motion to Compel, and as to which Western's counsel agreed that documents concerning the agreement underlying that relationship and the funds transferred pursuant to that relationship would be sufficient and that production of individual employee documents would not be required.

4. In the event additional issues may arise in connection with discovery in this matter, those issues should be raised pursuant to DUCivR. 37-1.

5. If the parties have missed the deadlines set at the hearing on this Motion, the new deadlines are April 10, 2017 for meet and confer, and April 17, 2017 for production.

Dated this 6th day of April, 2017.

BY THE COURT:

Evelyn J. Furse
United States Magistrate Judge